

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CEDRIC WEBB,

Plaintiff,

v.

GREGORY AHERN, et al.,

Defendants.

Case No. [16-cv-06892-YGR](#) (PR)

**ORDER STAYING ACTION AND  
REFERRING FOR SETTLEMENT  
PROCEEDINGS; DIRECTIONS TO  
CLERK**

Plaintiff has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 stemming from a July 18, 2014 incident during which excessive force was used against him while he had been previously incarcerated at the Santa Rita County Jail. Dkt. 1.

On April 26, 2018, the Court granted in part and denied in part Defendants' motion to dismiss. Dkt. 21. Specifically, the Court granted Defendants' motion to dismiss portions of Plaintiff's complaint under the unenumerated portion of Federal Rule of Civil Procedure 12(b) for failure to exhaust available administrative remedies as to his excessive force claims against Defendants Sheriff Gregory Ahern, Lieutenant C. Medeiros, and Sergeant R. Macintire. *Id.* at 2-3. However, the Court denied Defendants' motion to dismiss as to Plaintiff's excessive force claim against Defendant Deputy Sheriff Jenkins based on all grounds (failure to exhaust, failure to state a claim, and his request for qualified immunity). *Id.* at 2-6. The denial was without prejudice to Defendant Jenkins raising the aforementioned grounds for dismissal in a motion for summary judgment. *Id.* at 5-6.

On August 23, 2018, Defendant Jenkins informed the Court that his counsel "is of the opinion that this case cannot be resolved through a summary judgment motion." Dkt. 32 at 2. Thus, Defendant Jenkins "requests that the Court refer this matter to Magistrate Judge Robert Illman's Pro Se Prisoner Settlement Program so that the parties may attempt to reach a settlement agreement before further incurring further litigation costs." *Id.*

Accordingly, the Court hereby REFERS this case to Magistrate Judge Robert M. Illman for settlement proceedings pursuant to the Pro Se Prisoner Settlement Program. Such proceedings

1 shall take place within 120 days of the date this Order is filed, or as soon thereafter as Magistrate  
2 Judge Illman's calendar will permit. Magistrate Judge Illman shall coordinate a place, time and  
3 date for one or more settlement conferences with all interested parties and/or their representatives  
4 and, within **ten (10) days** after the conclusion of all settlement proceedings, shall file with the  
5 Court a report thereon.

6 The Clerk is directed to serve Magistrate Judge Illman with a copy of this Order, and with  
7 a copy of the Court's April 26, 2018 Order Granting In Part and Denying In Part Defendants'  
8 Motion to Dismiss; Denying Plaintiff's Request for Appointment of Counsel; and Directing  
9 Remaining Defendant to File a Motion For Summary Judgment (dkt. 21); and to notify Magistrate  
10 Judge Illman that a copy of the court file can be retrieved from the Court's electronic filing  
11 database.

12 In view of the referral, further proceedings in this case are hereby STAYED. The Clerk of  
13 the Court shall ADMINISTRATIVELY CLOSE this case until further order of the Court. If the  
14 case is not settled, the Court will enter a new scheduling order for further proceedings.

15 This Order terminates Docket No. 32.

16 IT IS SO ORDERED.

17 Dated: August 31, 2018

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19 YVONNE GONZALEZ ROGERS  
20 United States District Judge  
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